

PEFC GUIDE

PEFC Procedure Document

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Administration of PEFC scheme



PEFC Council

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Foreword

The PEFC Council (the Programme for the Endorsement of Forest Certification schemes) is the worldwide organisation promoting sustainable forest management through forest certification and the labelling of forest based products. Products with PEFC claim and / or label deliver confidence that the raw material originates from sustainably managed forest.

The PEFC Council provides endorsement of national forest certification schemes which are required to comply with the PEFC Council requirements and are subject to regular evaluations.

Introduction

The governance of the PEFC scheme is based on the principle of subsidiarity and decentralised organisational structure. The administration of the PEFC scheme is therefore executed by the PEFC National Governing Bodies where they exist or directly by the PEFC Council or other authorised bodies in countries without PEFC National Governing Bodies.

The PEFC Council is responsible to ensure the harmonised implementation of the PEFC scheme in order to satisfy the needs and expectations of PEFC scheme users; to ensure consistency for those users operating in more than one country; and to avoid discrimination of PEFC scheme users operating in different countries.

1 Scope

The document covers requirements for the administration of the PEFC scheme including the following tasks:

- a) PEFC notification of certification bodies,
- b) PEFC Logo usage licensing,
- c) operation of the PEFC Registration System,
- d) complaint and dispute procedures.

The requirements of this guide are applicable to the PEFC Council and the authorised bodies operating the tasks above on behalf of the PEFC Council.

2 Normative references

PEFC ST 2001:2009, *PEFC Logo usage rules - Requirements*

3 Terms and Definitions

3.1 Authorised body

An entity authorised by the PEFC Council to perform the administration of the PEFC scheme on behalf of the PEFC Council

Note: The authorised body is either the PEFC National Governing Body operating within its country or other entity which has been authorised by the PEFC Council to perform the administration of the PEFC scheme.

3.2 Licensing body

An entity responsible for the issuance of the PEFC Logo usage licences

Note: The licensing body is either the PEFC Council or the **authorised body**.

3.3 Notifying body

An entity responsible for the issuance of the PEFC notification of certification bodies

Note: The notifying body is either the PEFC Council or the **authorised body**.

4 General requirements

4.1 The tasks of the administration of the PEFC scheme (the PEFC notification of certification bodies, the issuance of PEFC Logo usage licences and the operation of the PEFC registration system) are performed by the following bodies:

- a) PEFC Council for the PEFC certifications and PEFC Logo licensing in countries without a PEFC authorised body or
- b) PEFC authorised body for the PEFC certifications and PEFC Logo licensing in countries for which they have been authorised by the PEFC Council.

4.2 In the case of cross-country multi-site chain of custody certification the administration of the PEFC scheme shall be performed by the body responsible for those tasks in the country where the central office of the cross country multi-site organisation is located.

4.3 The authorised body shall perform the administration of PEFC scheme based on a contract with the PEFC Council. The termination of the contract between the PEFC Council and the authorised body results in automatic termination of all the PEFC notifications and PEFC Logo usage licences issued by the authorised body.

5 PEFC notification of certification bodies

5.1 The notifying body shall have written procedures for the PEFC notification which ensure that:

- a) the PEFC notified certification body is meeting the PEFC Council's and PEFC endorsed scheme's requirements for certification bodies,
- b) the scope of the PEFC notification, i.e. type of certification (forest management or chain of custody certification), certification standards and the country covered by the notification, is clearly defined,
- c) the PEFC notification may be terminated by the notifying body in the case of the certification body's non adherence to the conditions of the PEFC notification or in the case of the cancellation of the contract between the PEFC Council and the authorised body,
- d) the PEFC notification is based on a written contract between the notifying body and the PEFC notified certification body,
- e) the PEFC notified certification body provides the notifying body with information on certified entities as required by the PEFC Registration System,
- f) the PEFC notification does not include any discriminatory measures, such as the certification body's country of origin, affiliation to an association, etc.

5.2 The notifying body may charge a fee for the PEFC notification. The authorised body shall inform the PEFC Council about the level of its PEFC notification fees, when requested.

6 PEFC Logo usage licensing

6.1 Coverage of the PEFC Logo usage licence

6.1.1 The PEFC Logo usage licence shall be issued to an individual legal entity based on the requirements of PEFC ST 2001:2008.

Note: Where the PEFC certification covers several legal entities, for example where group and regional forest certification covers a number of forest owners / managers (independent legal entities) or where multi-site certification covers several sites which are legally independent entities, each legal entity shall apply for its own PEFC Logo usage licence.

6.1.2 The PEFC Council and authorised bodies may issue a PEFC Logo usage multi-licence to a holder of a multi-site chain of custody certificate, which covers the whole or a part of the multisite organisation provided that:

- a) the central office and the sites are a part of a single legal entity or
- b) the central office and the sites are a part of a single company with a single management and organisational structure.

Note: The multi-licence cannot be issued to a multi-site chain of custody certificate holder where the sites are independent legal entities without a single management and organisational structure and where the multi-site organisation has only been created for the purpose of the PEFC certification.

6.2 Issuance of PEFC Logo usage licences

6.2.1 The licensing body shall have written procedures for the PEFC Logo licensing which ensure that:

- a) the PEFC Logo usage licence is based on a written contract between the licensing body and the PEFC Logo user,
- b) the PEFC logo user complies with the PEFC Logo usage rules (PEFC ST 2001:2008),
- c) the scope of the PEFC Logo usage (logo usage groups) is clearly defined,
- d) the PEFC Logo usage licence can be terminated by the licensing body in the case of the PEFC Logo user's non adherence to the conditions of the PEFC logo usage rules (PEFC ST 2001:2008) or in the case of cancellation of the contract between the PEFC Council and the authorised body,
- e) where unauthorised use has taken place, the PEFC Logo usage licence provides for contractual penalty of one fifth of the market value of the products to which the unauthorised logo use relates, unless the PEFC Logo user proves that such unauthorised use was unintentional. In the latter case, the penalty will be limited to 15,000 CHF.

6.2.2 The licensing body shall have a mechanism for the investigation and enforcement of the compliance with PEFC Logo usage rules (PEFC ST 2001:2008) and shall take actions, including legal if necessary, to protect the PEFC Logo trademark.

7 PEFC Registration System

7.1 The PEFC Council and the PEFC authorised bodies shall register:

- a) holders of PEFC forest management and chain of custody certificates issued by the certification body with the notification issued by the respective body, including information on PEFC certified products,
- b) PEFC Logo users with a licence issued by the respective body,
- c) PEFC notified certification bodies.

7.2 The PEFC Council and the authorised bodies shall follow the rules for the PEFC Registration System and other instructions decided by the PEFC Council.

7.3 The PEFC Council and the authorised bodies shall ensure that the collected data can be made publicly available by the authorised entity and the PEFC Council.

8 Complaints and dispute procedures

8.1 The PEFC Council and the authorised bodies shall have written procedures for dealing with complaints relating to the governance and administration of the PEFC scheme.

8.2 Upon receipt of the complaint, the procedures shall provide for:

- a) acknowledgement of the complaint to the complainant,
- b) gathering and verification of all necessary information, validation and impartial evaluation of the complaint, and decision making on the complaint,
- c) formal communication of the decision on the complaint and the complaint handling process to the complainant and concerned parties,

d) appropriate corrective and preventive actions.

Appendix 1

Contract for administration of PEFC scheme

Between

- (1) **The Programme for the Endorsement of Forest Certification schemes**, hereafter the “PEFC Council”, having its registered office at World Trade Center 1, 10, Route de l’Aéroport, CH – 1215 Geneva, Switzerland

And

- (2) *****, hereafter “the authorised body”, having its registered office at *****

Whereas “the authorised body” is an entity authorised by the PEFC Council to perform the administration of the PEFC scheme on behalf of the PEFC Council;

Whereas the PEFC Council is the governing body of the PEFC scheme;

Now, therefore the above said parties agree to the following:

Article 1: Definitions

1. Administration of PEFC scheme:

This is set of requirements for the administration of PEFC scheme defined in PEFC GD 1004:2009 which forms part of the contractual documentation and is found in the annex of this contract. PEFC GD 1004:2009 is valid as stated now and as may be from time to time altered by the PEFC Council.

2. Administration tariffs of the PEFC scheme

This is the Appendix to PEFC GD 1004:2009 Administration of PEFC scheme, which forms part of the contractual documentation and is found in the annex of this contract.

Article 2: Administration of PEFC scheme

1. The authorised body is permitted to issue the PEFC Logo usage licences on behalf of the PEFC Council to entities which are located in *****. This also covers the issuance of PEFC Logo usage licences to multi-site organisations whose central office is located in ***** and its sites, located in other countries.
2. The authorised body is permitted to issue PEFC notification to certification bodies operating PEFC forest management and/or chain of custody certification against the PEFC endorsed scheme/standard in *****. This also covers PEFC notification of certification bodies which issue chain of custody certification to multi-site organisations whose central office is located in ***** and its sites located in other countries.
3. The authorised body is obliged to operate the PEFC Registration System.
4. The authorised body is obliged to have complaints and dispute procedures.

5. The authorised body shall perform the tasks of the administration of PEFC scheme specified in Article 2 in compliance with PEFC GD 1004:2009, as amended.

Article 3: Fees

1. The authorised body is obliged to pay a fee(s) based on an invoice issued by the PEFC Council. The amount of the fee(s) is specified in the Administration tariffs of the PEFC scheme and can be changed by the PEFC Council during the validity of the contract. The corresponding change in the contract between PEFC Council and the authorised body concerning the fees takes effect the following year after the PEFC Council has informed the PEFC authorised body, in writing, of the change.

Article 4: Contract termination and penalties

2. Either party may terminate the contract with three-month prior notice by a registered letter.
3. The PEFC Council may revoke the contract temporarily with immediate effect or terminate the contract with immediate effect if there are reasons to believe that any of the terms of the contract are not being adhered to.
4. PEFC Council is not obliged to pay compensation for any costs or other damages which the temporary revocation or termination causes to the logo user.
5. Penalties imposed to a PEFC Logo user by authorised body based on PEFC GD 1004:2009 will accrue to the benefit of the PEFC Council and the authorised body in the manner described hereafter. Reasonable costs, including legal expenses, relating to the discovery and the evidence of the misuse will be paid, out of the penalty amount collected, to the contracting party who disbursed them. Seventy-five percent of the remainder will be allotted to the PEFC Council and twenty-five percent to the authorised body.

Article 5: Arbitration

1. This contract is subject to Swiss law
2. Any disputes arising out of this agreement shall be finally and exclusively settled by the courts of the Canton of Geneva, subject to a right of appeal to the Swiss Federal Supreme Court.

Signed in duplicate.

Geneva on

For and on behalf of
the PEFC Council

For and on behalf of
the authorised body

PEFC Council, Secretary General

Appendix 2

Administration tariffs of the PEFC scheme

Authorised body category	Annual fee	
	PEFC Logo licensing (per licence)	PEFC notification
PEFC National Governing Body	0 CHF	0 CHF / ha of certified forest
		0 CHF / C-o-C certificate
Other authorised bodies	0 CHF	0 CHF / ha of certified forest
		0 CHF / C-o-C certificate

"Ha of certified forest": forest area in hectares certified by the certification body within the PEFC notification issued by the authorised body.

"C-o-C certificate": chain of custody certificate issued by the certification body within the PEFC notification issued by the authorised body.